

**ADDITIONAL INSTRUCTIONS FOR**

**SPECIAL USE PERMIT for STANDBY OR BACKUP POWER GENERATION & CO-GENERATION FACILITIES**

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**DEFINITIONS**

***"Stand-By or Backup Electrical Power Generation Facility"*** means an electrical power generation facility that is operated only during interruptions of electrical service from the distribution system or transmission grid due to circumstances beyond the operator's control. Electrical generation facilities operating where an interruptible service contract has been executed are not considered Stand-By or Backup Electrical Power Generation Facilities.

***"Co-generation Facility"*** means an electrical power generation facility that utilizes waste heat to generate electricity to supply some of the needs of an individual building or group buildings. Electricity generated by a co-generation facility may be sold back to the electrical distribution system or transmission grid or to other end-users.

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**SPECIAL USE PERMIT REQUIRED**

Type of Facility	Zoning District
Standby or Backup Electrical Power Generation that does not exceed noise and air quality standards	OS, A, R-1, R-2, R-M, R-MH, CO, CP, CN, CG
Co-Generation Facilities	CO, CP, CN, CG, IP, LI, HI

Standby or backup electrical power generation facilities not mentioned above and/or located in other districts have different permit requirements. Please contact the Department of Planning, Building, and Code Enforcement for the current zoning regulations and permit requirements.

An applicant for an Special Use Permit to allow the placement, construction or operation of a Stand-By or Backup Power Generation & Co-generation Facility shall, in addition to all other Special Use Permit requirements, declare under penalty of perjury that the Power Generation & Co-generation Facility sought for use subject to an Special Use Permit will at all times be maintained in full conformance with each and every one of the criteria and standards set.

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**CRITERIA**

An Special Use Permit to allow any Stand-By or Backup Power Generation and Co-generation Facility shall not be issued unless the Director of Planning determines that all of the applicable criteria and standards listed below are met:

- Maximum noise levels, based upon a noise analysis by an acoustical engineer, will not exceed the applicable noise standards set forth in this Title.
- Emissions and Health risks associated with the generators will not exceed the thresholds as established by the Director of Planning.

**PLEASE CALL THE APPOINTMENT DESK AT (408) 277-8820 FOR AN APPLICATION APPOINTMENT.**

ADDITIONAL INSTRUCTIONS FOR  
**SPECIAL USE PERMIT APPLICATION**  
(Standby Backup Electrical Power Generation Facilities)

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**NOISE STANDARDS**

a. Residential Zoning Districts

Table 20-85 Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Any residential or non-residential use	55

b. Open Space and Agricultural Zoning Districts

Table 20-45 Additional Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Open Space or Agricultural use adjacent to a property used or zoned for residential purposes	55
Open Space or Agricultural use adjacent to a property used or zoned for commercial purposes	60
Open Space or Agricultural use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

c. Commercial Zoning Districts

Table 20-45 Additional Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Open Space or Agricultural use adjacent to a property used or zoned for residential purposes	55
Open Space or Agricultural use adjacent to a property used or zoned for commercial purposes	60

**AIR QUALITY STANDARDS**

The emissions and health risks generated by the use must meet the thresholds as established by the Director of Planning in conjunction with the Bay Area Air Quality Management District (BAAQMD). These are shown below:

(a) Emissions

Pollutant	Ton / Year	Pounds / Day
Nitrogen Oxide (NOx)	15	80
Fine Particulate Matter (PM <sub>10</sub> )	15	80

(b) Health Risk

The annual emissions associated with the project would result in an incremental cancer risk less than 1.0E-05 (ten in a million), were the exposure to continue for 70 years; and (2) TBACT has been applied to permitted sources.

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## SPECIAL USE PERMIT APPLICATION

(Standby Backup Electrical Power Generation Facilities)

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <b>SP</b>		RECEIPT # _____	
PROPERTY LOCATION		DATE _____	
ZONING	PD ZONING FILE #	AMOUNT _____	
QUAD #	PERMIT FILE #	BY _____	
SUBJECT TO CONDITIONS		<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____ BY _____

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)			
PROPERTY LOCATION			
ASSESSOR'S PARCEL NUMBER(S)			
APPLICANT			
PRINT NAME OF APPLICANT BUSINESS		PRINT NAME OF CONTACT PERSON	
ADDRESS		CITY	STATE ZIP CODE
DAYTIME TELEPHONE # ( )	FAX # ( )	E-MAIL ADDRESS	
SIGNATURE			DATE
PROPERTY OWNER			
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # ( )	
		FAX # ( )	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE			DATE

Please continue to PAGE 2 for INSTRUCTIONS.

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# SPECIAL USE PERMIT APPLICATION

(Standby Backup Electrical Power Generation Facilities)

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In addition to the completed application, the following items are required:

- ☐ **FILING FEE** (see fee schedule).
- ☐ **ASSESSOR'S PARCEL MAP** marked with the project location.
- ☐ **PHOTOGRAPHS** of existing building or subject area.
- ☐ **SEVEN (7) COPIES** of the development plans that include:
  - a. A **site plan\* drawn to scale** showing the location of the proposed change on the subject property, **and**
  - b. A **drawing to scale** of the proposed change (elevations, floor plans, construction details, as appropriate).

- ☐ **ENVIRONMENTAL CLEARANCE APPLICATION\*\*** including Noise Report and Air Quality Analysis.

- ☐ **SPECIFICATIONS** of all proposed generators.

- ☐ **LEGAL DESCRIPTION** of the property.

\* A **Site Plan** should contain the following basic information:

- Dimensions of subject property, lot lines, and existing and proposed driveways.
- Streets and use information for properties adjoining the subject property.
- Existing and proposed buildings and structures, including proposed building removal.
- Dimensions of existing and proposed setbacks.
- Existing and proposed off-street parking, loading, and circulation areas.
- Existing and proposed landscape areas and on-site drainage.

\*\* Use the Standby Engine Generator Clearance form. See the categories for environmental clearance/exemption on page 2.

**1. Noticing the Neighborhood.** Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy. Using the latest Santa Clara County Assessor's Parcel Maps, list all of the Assessor's Parcel Number's (APN's), names and addresses for the parcels of all adjacent property owners and occupants. Look up each of these numbers in the Assessor's Roll. List each address (including apartments and suites) **shown on the Assessor's Roll for each of the APN's you have listed.** The list should be formatted to match typical 3-column mailing label sheets (such as Avery Standard 5160). One notice will go to the owner. If the owner is at a different address than the property, a notice also goes to the property itself, addressed to "Occupant".

**Stamped Envelopes.** A set of business-sized (4 1/8" X 9 1/2") **stamped** envelopes addressed to each owner and each "Occupant" on the mailing list. A return address should not be used on the envelopes. Metered postage will not be accepted because of U.S. Postal regulation which require that metered envelopes contain the purchaser's return address.

*Note: Information regarding the Assessor's Parcel Number(s) and the Assessor's Roll can be obtained from a title company and the County Assessor's Office, County of Santa Clara 70 West Hedding Street, 5<sup>th</sup> Floor, San Jose, CA 95110 Phone (408) 299-3227.*

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